

Article - Health - General

[\[Previous\]](#)[\[Next\]](#)

§17-2A-10.

(a) In this section, “discriminate or retaliate” includes:

(1) Failing to promote an individual or to provide another employment-related benefit for which the individual would otherwise be eligible;

(2) Making an adverse evaluation or decision in relation to accreditation, certification, credentialing, or licensing of the individual; or

(3) Taking a personnel action that is adverse to the individual concerned.

(b) An employee who works in a forensic laboratory may disclose information to the Secretary that the employee believes evidences a violation of standards and requirements for forensic laboratories in the State.

(c) A forensic laboratory may not discriminate or retaliate against an employee because the employee:

(1) Discloses information under subsection (b) of this section; or

(2) Has agreed to cooperate with an investigation of the forensic laboratory.

(d) (1) The Secretary shall develop, through regulation, a document that informs the employees of a forensic laboratory of the procedures to report instances of noncompliance or other violations of the standards and requirements for forensic laboratories in the State.

(2) The Secretary shall distribute the document developed under paragraph (1) of this subsection to forensic laboratories in the State.

(e) A forensic laboratory shall post the document developed under subsection (d) of this section in a conspicuous place.

(f) An employee of a forensic laboratory who has been discriminated or retaliated against in violation of subsection (c) of this section may initiate an action and, on prevailing, shall be entitled to:

- (1) Reinstatement;
- (2) Reimbursement for lost wages;
- (3) Work benefits lost as a result of the unlawful acts of the employing laboratory; and
- (4) Reasonable attorney's fees and costs associated with pursuing the action.

(g) No action may be brought under this subsection more than 2 years after the discrimination or retaliation that is the basis for the action.

[\[Previous\]](#)[\[Next\]](#)